

**MINUTES
PLANNING BOARD
TUESDAY, JUNE 23, 2015
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman Steve Lee; Vice-chair: Rob Markiewicz; Members Gary Turner, Barbara Dement and Michael Ham; Alternate member David Wieser; Town Attorney Charles Buckley; Youth Voice Benjamin Dodson and Sarah Ward; Planning Director Kathi Ingrish, Planner II/Zoning Administrator Mary Jo Gollnitz, and Zoning Technician/Deputy Town Clerk Betty Lynd.

ABSENT: Member Eric Welsh and David Pratt; Alternate member David Barley

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:02 p.m.

Mr. Lee stated that an alternate needed to be appointed as a voting member. Mr. Ham made a motion to appoint Mr. Wieser as a voting member. Mr. Markiewicz seconded the motion and it carried unanimously.

APPROVAL OF MINUTES

Mr. Markiewicz made a motion to approve the June 2, 2015 minutes as submitted. Ms. Dement seconded the motion. The motion carried unanimously.

APPLICATION 2015-630 – TEXT AMENDMENT, CREATE PARKING STANDARD FOR ANIMAL DAY CARE KENNELS AND COMMERCIAL KENNELS

Ms. Gollnitz stated that current parking requirements for animal day care kennels and commercial kennels require 1 space per 250 square feet of gross floor area. The applicant is looking to open an animal day care facility in an existing building and is proposing a new parking standard for this use. They are requesting 1 space per 1000 square foot of private access space, which would be kennels, and 1 space per 400 square feet of public access area, which could be grooming areas, etc. The request also includes bicycle parking, which would require 2 spaces or 10 percent of vehicular parking. Staff completed a comparison to the existing Lake Norman facility. This facility was 10,203 square feet which included 103 kennels and service area. If our current parking standards applied, the site would require 41 parking spaces. If the text amendment was applied, the site would require 16 parking spaces. Surrounding communities average a requirement of 1 space per 350 square feet and 1 space per employee. If the 1 space per 350 square feet standard applied, the site would require 35 parking spaces. Staff does recommend approval as submitted.

Mr. Lee asked if the animal day care is a specific use other than veterinary clinic. Ms. Gollnitz stated that it does have a specific definition within the Unified Development Ordinance and is a use separate from vet clinic. Mr. Lee asked if this text amendment would apply to all sites able to employ the animal day care use. Ms. Gollnitz stated that was correct, the text amendment is not site specific.

Mr. Markiewicz asked why staff has recommended approval. Ms. Gollnitz stated that staff had created a chart showing some calculations they had completed based on different parking standards. These calculations included buildings ranging from 2000 to 12000 square feet and what their parking would be with the text amendment as well as 1 space per 750 square feet, 500 square feet and 350 square feet. The customers would be mostly short term parkers in order to drop off their animal.

Mr. Ham stated that he heard the term kennel used as well. Ms. Gollnitz stated that this text amendment would apply to animal day cares and commercial kennels. Mr. Ham asked how many kennel spaces this site would include. Mr. Buckley stated that discussion could not be focused on a specific site. Mr. Ham asked if this text amendment would apply to grooming facilities. Ms. Gollnitz stated that it would not apply because grooming facilities are a separate use.

Mr. Ham asked if the calculations included parking spaces for the employees. Ms. Gollnitz stated that it did. Mr. Ham asked what the number of employees would be. Ms. Gollnitz stated that staff does not know. Staff could ask for an estimate.

Ms. Dement stated that if a customer is taking their animal to the facility for the first time, the customer might be there a little longer due to the paperwork involved, taking a tour, etc. Once your animal is acquainted each visit will be a quick in and quick out. Although we can't consider a specific site, what about the use of an easy drop off lane? Ms. Gollnitz stated that staff would have to consider that as parking.

Mr. Ham stated that while he realized drop off times could be relatively short, they would also happen at peak times, such as before work or after work. Drop offs would not tend to be spread out throughout the day. Ms. Gollnitz stated that this would be the minimum parking requirement and there could be more parking available.

Mr. Lee asked what would need to happen if the board wanted to amend the request. A smaller space might require more parking than what the request is showing as the minimum required. Mr. Buckley stated that this is not a conditional request so the applicant would not have to agree to any amendments the board recommends.

Mr. Turner asked if there was a benefit to distinguishing public and private areas as opposed to just the gross floor area of the entire building. Ms. Gollnitz stated that staff was working with the applicant to be able to quantify the space used by the public so that when future businesses of this type come forward, we could designate such areas.

Mr. Markiewitz stated that a parking requirement of 1 space per 250 square feet might be a bit excessive for the use, but he was still struggling with only 16 parking spaces needed with the text amendment. Ms. Dement asked about designated employee parking. Ms. Gollnitz stated that it would be difficult to calculate employees depending on shifts/holiday work. She also stated that staff has tried to stay away from quantifying parking requirements based on employees. Ms. Ingrish stated that there are some uses within the Unified Development Ordinance that still include employees in parking calculations, but that staff was trying to stay away from involving those estimations. Although the use may not change, the business itself may change and employ more people, therefore requiring more parking. Mr. Markiewitz asked if the building use changes, could these parking requirements be a disadvantage to the new business. Ms. Ingrish stated that would be a potential issue. If a retail business moved into a past animal daycare, there would be a sharp increase in required spaces. The new retail business would have to revise the site in order to accommodate the increase in needed spaces. Mr. Markiewitz stated that situation could lead to vacancies in properties. Ms. Ingrish stated that is possible.

Mr. Lee stated that the board has not asked the applicant to speak due to the request being a text amendment. The board can ask questions and receive answers from the applicant. Peter Tatge, with ESP Associates, P.A. at 3475 Lakemont Boulevard, Fort Mill, S.C. representing Pet Paradise, came forward for any questions. Mr. Turner asked if there was any thoughts the applicant had towards the board's discussion. Mr. Tatge stated that their goal was to accommodate parking needed for the public space. They do not want the storage space of the animals to be part of the calculation of parking.

Mr. Lee stated that the text amendment presented seems to be an extreme at the opposite end of the spectrum from what is currently used to calculate parking. The term daycare implies a high volume at peak times. Mr. Ham stated that he is concerned about what would happen should the site change businesses or uses. A low number of required parking spaces could hamper future businesses utilizing the site and create a vacant building.

Ms. Dement stated that the memo mentioned other communities' parking requirements averaged about 1 space per 350 square feet of gross floor area and asked which communities were reviewed. Ms. Gollnitz stated that Union County, Mooresville, Statesville and Shelby were among those reviewed. Ms. Dement asked if those communities indicated any problems with their standards. Ms. Gollnitz stated that in some cases that was too much parking. Some communities also included veterinary clinics as a use for those parking requirements.

Mr. Wieser asked if the change in parking standards impact emergency parking. Ms. Gollnitz stated that the site must show a minimal travel lane around the building for emergency vehicle access.

Mr. Lee stated that the text amendment's proposed requirements seemed a little light and the board could alter those standards at their pleasure. Mr. Buckley stated that the board could offer a different set of calculations. Mr. Ham stated that the 1 space per 500 square feet of gross floor area seemed appropriate due to the concerns of peak hour traffic. Ms. Dement also said that the 500 square feet seemed like a good compromise between current standards and the request before the board. Mr. Buckley stated that the board would first need to deny the text amendment as submitted and then offer their alternative.

Mr. Ham made a motion to recommend denial of application 2015-630 as submitted because it is not consistent with Matthews land use policies and also due to the concerns of rush hour traffic and possible impacts on future businesses or uses down the road. Mr. Markiewitz seconded the motion. The motion carried unanimously.

Ms. Dement made a motion to recommend that the text amendment be revised to 1 space per 500 square feet gross floor area for animal daycares and commercial kennels because that is more consistent with Matthews land use policies as well as being forward thinking for future businesses. Mr. Turner seconded the motion. The motion carried unanimously.

PUBLIC IMPROVEMENT VARIANCE- STREAMSIDE, SIDEWALK ON 3 LOTS IN CUL-DE-SAC

Ms. Gollnitz stated that this property is part of the Streamside subdivision. The property is zoned R-15. These three lots were sold in 2007-2011. Sidewalks were not installed at the time the CO was obtained. A representative for the developer has contacted the property owners to install the sidewalk. The property owners are not in favor of installing a sidewalk and support the variance request. Two property owners have written letters in favor. The developer has asked to transfer \$1000 to the town in lieu of installing the sidewalks. Until the sidewalk is complete, the Town cannot accept that street for maintenance. The Public Works department is in support of this variance as well.

Mr. Ralph Messera, the Public Works Director, stated that this is not a unique problem for the town. Some developers will complete the whole subdivision. Other developers complete the streets and lots are individually sold to builders for homes and sidewalks. There would need to be filling and resloping of the yards to the homes. The Town does not have a right to go onto private property to complete this. The property owners do not want their yards regraded. There have been discussions with county inspectors concerning a system to prevent future issues with the CO being given before sidewalks are installed. The county inspectors are going to make sure that the sidewalk is graded at the same time as the street in the future. The \$1000 is the equivalent of the construction cost.

Mr. Markiewitz asked if there was a greater penalty to the builder other than the \$1000. Mr. Messera stated that the \$1000 covers concrete and construction costs, but does not cover the cost of grading. The variance is needed.

Mr. Ham asked if the property owners understand that they are responsible for the street. Mr. Messera stated they understand the Town will not accept the maintenance until the street is complete. There will be no sidewalk installed if this variance is granted, but the Town would be able to accept the street.

Mr. Markiewitz stated that sidewalks are inconsistent within this neighborhood. Mr. Messera stated that this subdivision is adjacent to Millstone Ridge and that neighborhood does have sidewalks. It is also adjacent to other older subdivisions that do not have sidewalks. These lots are at the end of a cul-de-sac. Mr. Ham asked for clarification. The sidewalk will not be built, but the Town will take over the maintenance. Mr. Messera stated that is correct. Mr. Lee asked if there was commitment to finish the street once the variance is obtained. Mr. Messera said the applicant has committed to this.

Mr. Turner made a motion to recommend approval of the public improvement variance due to its consistency with Matthews land use policies. Mr. Wieser seconded the motion. The motion carried unanimously.

REVIEW OF UDO

Ms. Ingrish stated this presentation was brought about by the planning conference attended by commissioners in February of this year. The Town Board felt there should be a refresher concerning our Unified Development Ordinance. As always, staff is happy to answer questions concerning the UDO at any time.

The UDO has a zoning aspect that updates zoning regulations within the Town. It also has a regulations aspect that includes the town requirements on any land development. Finally, there is a policy aspect of the UDO which decides how a development will look or the density of a development. The Town Board has adopted a number of documents that dictate policy. Included in these are the Town's 12 vision statements, which were long range ideas on what the Town wanted to look like. The Land Use Plan is a set of goals on what the Town would like development to look like and how to accomplish that. Similarly, the Downtown Master Plan identifies goals for the downtown area. The Composite Bicycle and Pedestrian Plan address multi-modal transportation throughout the Town. The Parks and Recreation Master Plan deals with recreational improvements and facilities within the Town. The Comprehensive Transportation Plan addresses vehicular and bike facilities. The staff also completes many small area plans that become appendices to the Land Use Plan.

Before the UDO, the town had several separate ordinances concerning zoning regulations/policies. The zoning, subdivision, flood damage prevention, post construction and minimum housing ordinances were combined to create the UDO.

When creating the UDO, a consultant held several public workshops to allow citizens, Planning Board members, and Town Board members clarify what they did and did not like and what would fit with the vision of Matthews. A stakeholder group for builders/developers also looked at draft documents to provide feedback. The Unified Development Ordinance is a living document that will continue to change as it is applied to zoning matters.

The UDO did not change how the department receives and reviews applications. Staff time involved in preparing for cases has increased some. Town Board time reviewing zoning matters outside of meetings has been reduced. Comments from agencies such as Public Works and NCDOT are obtained before the public hearing for the applicant and staff's review. Many times, revisions have happened before the public hearing occurs. This allows staff to solve many issues before the project is presented to the Town Board. There is now more reliance on written notes on plans for conditional requests. The Town Board retains oversight of those conditional projects.

There are several chapters of the Unified Development Ordinance. Chapter 1 gives a clear purpose statement and explains how the ordinance applies to various land uses and land disturbing activities. There is a definition section which also includes drawings for clarification. Chapter 2 explains the responsibilities of the different parties involved in zoning and land development matters. Chapter 3 discusses nonconformities, which are situations legally established at some point and then are later deemed noncompliant by a change of rules. Often nonconformities are considered "grandfathered" in. Chapter 4 discusses the procedures of a rezoning action, change of conditions, text amendment and other minor revisions. The word "innovative" was changed within this section to "flexible design" standards which gives the developers the ability to utilize them on a project specific basis. This chapter also discusses how to amend the Land Use Plan. State statute requires a vested rights process to go forward with an approved project even if the rules change. Zoning variances, appeals, and interpretations are also discussed. The subdivision review and approval process is outlined. Chapter 5 discusses zoning districts and uses. Zoning districts include traditional, parallel traditional, and conditional-only districts. The table of allowed uses is included within this chapter. This is the chapter most utilized within the UDO. Chapter 6 is the general development regulations that may apply to a parcel. There are separate sections within Chapter 6 that discuss signs, outdoor lighting, landscaping, etc. Chapter 7 is the public improvement standards for public streets, sidewalks, utilities, etc. This chapter is important for subdivisions, mixed use neighborhoods, and new commercial complexes. There is also much discussion concerning connectivity and flood protection/storm water quality. Chapter 8 is what was once the Post Construction Ordinance referring to storm water quality and the rate at which the water runs off site after development is completed. Matthews is between two major river basins, the Yadkin and Catawba. The Yadkin has higher quality standards to meet due to endangered species living in the basin. Chapter 9 discusses flooding. FEMA creates the floodplain maps for the Town. There are also Mecklenburg County Community flood lines. Chapter 10 discusses minimum housing.

This is done through interlocal agreement. Mecklenburg County inspects homes to meet minimum requirements for living. Matthews is not often involved in this process.

Mr. Lee asked what level of revisions would be necessary due to changing state legislation. Ms. Ingrish stated that the legislation on aesthetics has been in discussion for several years. Because the town has been anticipating the legislation, there will hopefully be no major revisions. Conditional zoning provides the benefit of not having to change the UDO too much.

Mr. Lee asked if there was a way to make the UDO available on the tablets for the members use during the meeting. Ms. Ingrish stated this could be worked on.

ADJOURNMENT

Mr. Ham made a motion at 8:39 p.m. to adjourn the meeting. The motion was seconded by Ms. Dement. The motion carried unanimously.

Respectfully submitted,



Betty Lynd
Zoning Technician/ Deputy Town Clerk